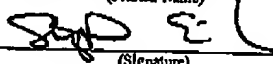


SEP 20 2005

Attorney Docket No: SALK 1510-3
(088802-8704)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Evans, R. et al.
Title: A FAMILY OF TRANSCRIPTIONAL
CO-REPRESSORS THAT INTERACT
WITH NUCLEAR HORMONE
RECEPTORS AND USES THEREFOR
Appl. No.: 09/522,753
Filing Date: March 10, 2000
Examiner: G. Leffers
Art Unit: 1636
Confirmation No: 4924

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Reltar, Reg. No. 31,192 (Printed Name)  (Signature) 9/20/05 (Date of Deposit)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

We, Ronald M. Evans, Peter Ordentlich and Michael Downes, being duly warned, hereby declare and say that:

1. We are the co-inventors of the invention of the full length human SMRT co-repressor disclosed and claimed in the above-referenced application.
2. We conceived of the invention claimed in the above-referenced application and conducted or supervised experiments that lead to this invention.
3. We are familiar with the publication entitled "Unique forms of human and mouse nuclear receptor corepressor SMRT", Ordentlich *et al.*, *Proc. Natl. Acad. Sci. USA* 96:2639-2644, 1999. We understand that this publication discloses subject matter relating to the present

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application, and that this publication has been cited as prior art against the present application by the Examiner.

4. Although there are other individuals listed as co-authors on the Ordentlich *et al.* publication referenced above, they did not contribute to the conception of the invention claimed in the present application. The Ordentlich *et al.* publication is the result of the intellectual contributions of Ronald M. Evans, Peter Ordentlich and Michael Downes; the additional co-authors were merely conducting experiments under our direction and supervision. While co-authorship was appropriate academic recognition of the contributions of these individuals to the research reported in the Ordentlich *et al.* publication, they did not make an inventive contribution to the claimed invention, and therefore they are not co-inventors of the present application.

5. We individually and collectively further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Sept. 19, 2005
Date

Ronald M. Evans
Ronald M. Evans

Sept 19, 2005
Date

Peter Ordentlich
Peter Ordentlich

Sept, 19, 2005
Date

M. Downes
Michael Downes

DLMR_275386.1